Title 109, page 1565, Chapter 387, Section 1, Acts of 1935, being House Bill No. 122, passed by the Forty-fourth Legislature, First Called Session, relating to eligibility to participate in Pension Fund; extending and providing the time of making application for membership and participation therein; providing the amount of pension benefits to members of the Pension Fund and beneficiaries; providing a savings clause and a clause which repeals all Acts and laws heretofore made in conflict herewith including city ordinances, and in nowise repealing any Fireman's and Policeman's Pension Law other than such law as provided in House Bill No. 122, Acts of the First Called Session, Forty-fourth Legislature; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

## FOURTEENTH DAY

(Friday, October 23, 1936.)

The House met at 1:06 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll of the House was called and the following Members were present:

Mr. Speaker	Daniel
Adamson	Davis
Aikin	Davison of Fisher
Alexander	Davisson
Alsup	of Eastland
Ash	Dickison
Atchison	
	Dunlap of Hays
Bergman	Dunlap of Kleberg
Bourne	Duvall
Bradbury	Dwyer
Bradford	England
Bridgers	Fain
Broadfoot	Farmer
Burton	Fisher
Butler of Brazos	Fox
<b>Butler of Karnes</b>	Frazer
Caldwell	Fuchs
Calvert	Gibson
Canon	Glass
Celaya	Good
	Graves
Colson	Hankamer
Cooper	Hanna
Cowley	Hardin
Crossley	Harper

Harris of Archer	Newton
Harris of Dallas	Olsen
Hartzog	Patterson
Head	
Herzik	Payne Petsch
Hill	
Hodges	Quinn
Hofheinz	Reader Reed of Bowie
Holland	
Hoskins	Riddle
Howard	Roach of Angelina
Huddleston	Roach of Hunt
Hunter	Roark
	Roberts
Hyder	Rogers
Jackson	Rutta
James	Sessions
Jones of Shelby	Settle
Jones of Wise	Smith
Keefe	Spears
King	Steward
Knetsch	Stinson
Lange	Stovall
Lanning	Tarwater
Latham	Tennyson
Lemens	Thornton
Leonard	Tillery
Lindsey	Venable
Luker	Waggoner
Mauritz	Walker
McCalla	Wells
McConnell	Westfall
McKee	Wood of Harrison
McKinney	Wood of Montague
Moffett	Worley
Morris	Young
Morrison	Youngblood
Morse	
Ah	cont

#### Absent

Craddock	Pope
Greathouse	Reed of Dallas
Hunt	Russell

### Absent—Excused

Adkins	Lotief
Broyles	Lucas
Cagle	McFarland
Colquitt	Moore
Dunagan	Nicholson
Ford	Padgett
Gray	Palmer
Jefferson	Roane
Jones of Atascosa	Scarborough
Jones of Falls	Shofner
Leath	Stanfield

A quorum was announced present. Mr. Head moved that the House dispense with the invocation at this time.

The motion was lost.

On motion of Mr. Frazer, Mr. Reed of Bowie was invited to offer the invocation at this time.

Prayer was then offered by Hon. Jasper N. Reed, a Member of the of a death in his family, on motion House.

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Ford for today, on motion of Mr. Butler of Brazos.

Mr. Cagle for today, on motion of Mr. Glass.

Mr. Lucas for today, on account of important State business, on motion of Mr. Keefe.

Mr. Lotief for today, on motion of Mr. Davis.

Mrs. Moore for today, on motion of Mr. Broadfoot.

Mr. McFarland for today, on motion of Mr. Rogers.

Mr. Scarborough for today, on motion of Mr. Wells.

Mr. Nicholson for today, on motion of Mr. Tarwater.

Mr. Jones of Falls for today, on motion of Mr. Ash.

Mr. Adkins for today, on motion of Mr. Ash.

Mr. Shofner for today, on motion of Mr. Tennyson.

Mr. Roane for today, on motion of Mr. Thornton.

Mr. Dunagan for today, on motion of Mr. Caldwell,

Mr. Gray for today, on motion of Mr. Olsen,

Mr. Canon for today, on motion of Mr. Aikin.

Mr. Rutta for today, on motion of Mr. Herzik.

Mr. Jefferson for today, on motion of Mr. Hoskins.

The following Members were granted leaves of absence on account of illness:

Mr. Leath for today, on motion of Mr. Daniel.

Mr. Jones of Atascosa for today, on motion of Mr. Davis.

Mr. Palmer for today, on motion of Mr. Huddleston.

Mr. Colquitt for today, on motion of Mr. Collins.

of Mr. Patterson.

Mr. Broyles for today, on account of Mr. Tennyson.

## HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. England, Mr. Steward, Mr. Morris, Mr. Thornton and Mr. Wells:

H. B. No. 84, A bill to be entitled "An Act making an appropriation of the sum of \$305,836.14, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the apportionment to all counties in which the county officers are compensated on the basis of a salary, as provided for in Section 6 of Senate Bill No. 5, enacted at the Second Called Session of the Forty-fourth Legislature, and declaring an emergency.'

Referred to the Committee on Appropriations.

By Mr. Celaya:

H. B. No. 85, A bill to be entitled "An Act to reorganize the Criminal District Court for the Counties of Nueces, Kleberg, Kenedy, Willacy and Cameron to be constituted of Nueces County, Texas, only, under the designation of the 127th Judicial District Court, and to create the 128th Judicial District of Texas to be composed of the Counties of Cameron, Willacy, Kenedy and Kleberg; to prescribe and define the jurisdiction of said Courts; to prescribe and fix the time for holding the terms thereof; providing that the present Judge and District Attorney of said Criminal District Court shall continue to hold their respective offices as Judge and District Attorney of said Court as herein reorganized for the term of office to which they were respectively elected; to provide for the appointment of suitable persons by the Governor of Texas, as Judge and District Attorney, respectively, of the 128th Judicial District of Texas, to hold office until the next general election; to provide for the sheriffs, clerks and other officers of said Courts; to provide for the holding of terms by the present Criminal District Court prior to the taking effect of this Act and Mr. Padgett for today, on motion for the transfer of cases on the docket of the said present Criminal District

Court, to conform and validate all writs, bonds, recognizances and drawing of petit and grand juries of such Criminal District Court to the changes made herein; to fix the date when this Act shall go into effect; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Judiciary.

Mr. Frazer moved a call of the House for the purpose of maintaining a quorum until 1:40 o'clock p. m., to-day, and the call was duly ordered.

On motion of Mr. James, the Sergeant-at-Arms was instructed to bring in all absent Members within the city who are not ill.

# RELATIVE TO RESOLUTION PERIOD

Mr. Hartzog moved that the House dispense with the consideration of resolutions at this time.

The motion was lost.

## COMMUNICATION FROM PRESI-DENT FRANKLIN D. ROOSEVELT

The Speaker laid before the House and had read the following communication:

October 20, 1936.

Mrs. Louise Snow Phinney, Chief Clerk, House of Representatives, Austin, Texas.

My Dear Mrs. Phinney:

Thank you very much for your letter of October sixteenth and for your kindness in sending me the enclosed copy of the resolution adopted by the members of the House of Representatives of Texas. I am delighted to have it.

I shall be more than grateful if you will convey to each member of the House an expression of my deep gratitude for their support.

Very sincerely yours,

## FRANKLIN D. ROOSEVELT.

# RELATIVE TO ROUTINE MOTION PERIOD

Mr. Frazer moved that the House dispense with the routine motion period at this time.

Question recurring on the motion by Mr. Frazer, yeas and nays were demanded.

The roll of the House was called on the above motion and the vote announced as follows:

Yeas 75, nays 25.

Mr. Pope requested a verification of the vote.

The roll of the "yeas" and "nays" was again called and the verified vote resulted as follows:

## Yeas-71

Adamson Hunter Aikin James Jones of Shelby Alsup Jones of Wise Ash Bourne Keefe Knetsch Bradbury Bradford Lanning Broadfoot Lemens Butler of Karnes Luker Caldwell Mauritz Calvert McConnell Moffett Daniel Davis Morris Newton Davisson of Eastland Patterson Dickison Payne Dunlap of Havs Quinn England Reader Reed of Bowie Fain Roach of Hunt Farmer Frazer Roark Fuchs Rogers Rutta Gibson Glass Smith Good Spears Stovall Graves Tarwater Hanna Hardin Tillery Venable Harper Harris of Archer Walker Head Wells Westfall Herzik Hodges Wood of Harrison Wood of Montague Holland Hoskins Worley Huddleston Young

#### Nays—26

Atchison	Latham
Bridgers	McCalla
Burton	McKinney
Butler of Brazos	Morrison
Celaya	Olsen
Crossley	Petsch
Davison of Fisher	Roberts
Fisher	Sessions
Hartzog	Steward
Hofheinz	Tennyson
Jackson	Thornton
King	Waggoner
Lange	Youngblood
-	_

Absent		
Alexander Bergman Collins Colson	Howard Hunt Hyder Leonard	
Cooper Cowley Craddock	Lindsey McKee Morse	
Dunlap of Kleberg Duvall Dwyer	Reed of Dallas Riddle	
	Roach of Angelina Russell Settle	
Harris of Dallas Hill Absent—	Stinson -Excused	
Adkins Broyles Cagle	Lotief Lucas McFarland	

Moore Canon Colquitt Nicholson Dunagan Padgett Palmer Ford Gray Roane Jefferson Scarborough Jones of Atascosa Shofner Jones of Falls Stanfield Leath

Mr. Latham raised a point of order, that there was not a quorum present.

The Speaker sustained the point of order.

Mr. James moved a call of the House for the purpose of securing and maintaining a quorum until 2:00 o'clock p. m. today, and the call was duly ordered.

On motion of Mr. James, the Sergeant-at-Arms was instructed to bring in all absent Members within the city who are not ill.

The roll of the House was called and the following Members were present:

Mr. Speaker Caldwell Calvert Adamson Celaya Aikin Alexander Cooper Alsup Crosslev Daniel Ash Atchison Davis Davison of Fisher Bourne Bradbury Davisson of Eastland Bradford Dickison Bridgers Broadfoot Dunlap of Hays Burton Dunlap of Kleberg Butler of Brazos England Butler of Karnes Fain

Farmer Moffett Fisher Morris Fox Morrison Fuchs Morse Gibson Newton Glass Olsen Good Patterson Graves Payne Hanna Petsch Hardin Pope Quinn Harper Harris of Archer Reader Harris of Dallas Reed of Bowie Hartzog Reed of Dallas Head Roach of Angelina Herzik Roach of Hunt Hodges Roark Hofheinz Roberts Holland Rogers Hoskins Rutta Huddleston Sessions Hunt Smith Hunter Spears Jackson Stinson James Stovall Jones of Shelby Tarwater Jones of Wise Tennyson Keefe Thornton King Tillery Knetsch Venable Lange Waggoner Latham Walker Lemens Wells Leonard Westfall Wood of Harrison Luker Mauritz Wood of Montague McCalla Worley McConnell Young McFarland Youngblood

## Absent

Hill Bergman Collins Howard Colson Hyder Cowley Lanning Craddock Lindsey Duvall McKee Riddle Dwyer Frazer Russell Greathouse Settle Hankamer Steward

McKinney

## Absent—Excused

Jones of Atascosa Adkins Jones of Falls Broyles Leath Cagle Canon Lotief Colquitt Lucas Dunagan Moore Nicholson Ford Padgett Gray Jefferson Palmer .

Roane Scarborough Shofner Stanfield

A quorum was announced present. Question again recurring on the motion by Mr. Frazer, that the House dispense with the routine motion period at this time, it prevailed.

## CONCERNING CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 8

Mr. Caldwell offered the following resolution:

Be It Resolved by the House of Representatives, That it is the will and pleasure of this House that the Conference Committee on House Bill No. 8, report the same with the so-called "Small's Amendment," deleted therefrom.

The resolution was read second time.

Mr. Caldwell moved a call of the House until the above resolution is disposed of, and the call was duly ordered.

Mr. Daniel moved the previous question on the above resolution and the motion was duly seconded.

Mr. Aikin raised a point of order, on further consideration of the motion for the main question, on the ground that the resolution has not been fully considered by the House.

The Speaker overruled the point of order.

Mr. Pope raised a point of order, on further consideration of the resolution, on the ground that the resolution violates the provisions of the motion by Mr. Petsch, adopted on yesterday.

The Speaker overruled the point of order.

Question recurring on the motion for the main question, it prevailed.

Question recurring on the resolution by Mr. Caldwell, yeas and nays were demanded.

The resolution was adopted by the following vote:

## Yeas-72

Adamson Caldwell
Aikin Calvert
Alsup Daniel
Ash Davis
Bradbury Davisson
Bradford of Eastland
Butler of Karnes Dickison

Dunlap of Hays Luker England Mauritz McConnell Fain Farmer Moffett Fox Morris Frazer Newton Fuchs Olsen Patterson Gibson Glass Pope Hardin Quinn Harris of Archer Reader Reed of Bowie Head Herzik Reed of Dallas Hodges Roach of Angelina Roach of Hunt Hofheinz Holland Roark Hoskins Rogers Huddleston Rutta Hunt Smith Hunter Spears Jackson Stovall James Tarwater Jefferson Tillery Jones of Shelby Venable Jones of Wise Wells Keefe Westfall Knetsch Wood of Harrison Lanning Worley Leath Youngblood Lemens

#### Nays-42

Alexander Hill Howard Atchison Bergman King Bourne Lange Bridgers Latham Burton Leonard Butler of Brazos McCalla Celaya McKinney Collins Morse Payne Colson Petsch Cooper Cowley Roberts Crossley Sessions Davison of Fisher Steward Duvall Stinson Tennyson Fisher Thornton Good Wargoner Hankamer Walker Hanna Wood of Montague Harris of Dallas Hartzog Young

#### Absent

Broadfoot	Hvder
Craddock	Lindsey
Dunlap of Kleberg	McKee
Dwyer	Morrison
Graves	Riddle
Greathouse	Russell
Harner	Settle

#### Absent—Excused

Adkins Lucas McFarland Broyles Moore Cagle Nicholson Canon Padgett Colquitt Palmer Dunagan Roane Ford Scarborough Gray Jones of Atascosa Shofner Jones of Falls Stanfield Lotief

#### REASON FOR VOTE

I voted in favor of the above Caldwell, for resolution by Mr. the reason that I do not think it within the prerogative of any Conference Committee to include any material matter not within the original bill as passed by the House. This has always been my position and if the rules permit such, then I am of the opinion that the rules should be changed. I do not believe that any matter of a material nature should be written by any Conference Committee and presented to the House for action without first having received proper consideration from the House in its proper manner and in keeping with the spirit of the rules. My personal opinion is that the present Old Age bag limits for fish taken in said Assistance Law needs a very thorough revision and I strongly favor the limitation of assistance over that now permitted in the present law. But good democracy demands that it be done according to democratic principles.

#### FOX.

Mr. Pope moved to reconsider the vote by which the above resolution by Mr. Caldwell was adopted.

Question-Shall the motion to reconsider prevail?

### ADJOURNMENT

On motion of Mr. Wells, the House at 2:00 o'clock p. m., adjourned until 10:00 o'clock a. m., next Monday.

#### APPENDIX

## REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room, Austin, Texas, October 23, 1936. Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 68, A bill to be entitled "An Act making it unlawful for any person or persons to fish for, take, catch or attempt to catch any fish in the fresh waters of Dallas County by any net, seine, snag line, trap or any device other than ordinary pole and line, rod and reel, set line, throw line or trot line; providing that on any set line, throw line or trot line hooks shall not be less than three (3) feet apart; making it prima facie evidence of violation of this Act for any person to have in his possession any tackle not authorized herein within two hundred (200) yards of any stream, lake or other fresh waters in said County; providing that it shall be lawful to fish with artificial bait equipped with more than two (2) hooks with pole and line or rod and reel; providing that it shall be lawful to use a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait; prohibiting the taking of any fish other than minnows for bait by use of minnow seines, and providing for the return of all fish so taken immediately to the water; providing size limits and County; providing for the immediate return to the waters of all fish not within the limits prescribed herein; providing a penalty for violation of this Act; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, October 23, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 76, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of Red River County, Texas, and conform the jurisdiction of the District Court of such County to such change, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room.

Austin, Texas, October 23, 1936. Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 75, A bill to be entitled "An Act declaring a closed season on wild Javelina, Bear, Badger, Raccoon and Rock Squirrel south of the Southern Pacific Railroad in Brewster County, Texas, and providing a penalty for violation of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, October 23, 1936. Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 74, A bill to be entitled "An Act declaring open season on wild squirrel in Kinney County, Texas, and making it lawful to kill wild squirrel in Kinney County, Texas, at all times; and repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, October 23, 1936. Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 67, A bill to be entitled "An Act amending and re-enacting Section 36, House Bill No. 521, Chapter 100, Acts 1935, of the Regular Session, Forty-fourth Legislature, relative to the expenditures for the administration of House Bill No. 521, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, October 23, 1936. Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred H. B. No. 80, A bill to be entitled "An Act prohibiting the running of deer with dogs in the counties of Jackson and Wharton; making same a misdemeanor and providing a penalty for the violation of said Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, October 23, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 81, A bill to be entitled "An Act providing a sixty-day open season for the taking of wild coon, o'possum, and mink in Shelby County. Texas, which period shall be from December first of each year to February first of the following year; and providing open season during the month of December of each year for the taking of wild quail in Shelby County, Texas; providing that it shall be unlawful to use a trap, snare or deadfall for the taking or attempting to take such animals; providing a penalty; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, October 23, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 83, A bill to be entitled "An Act to amend Section 1, Chapter 12, Senate Bill No. 39, Forty-first Legislature, First Called Session; providing for the exception of the Clear Fork of the Brazos River from the Act, describing the size of the mesh of seines and the length of fish that can be taken; providing for a penalty, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, October 23, 1936. Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 82, A bill to be entitled "An Act to amend Article 1813 of the Revised Civil Statutes of 1925 so as to provide for the appointment of a Special Commissioner to serve in the place of any member of a Court of Civil Appeals, who shall be disabled by illness, or otherwise, and whose disability shall be certified to the Governor by the Chief Justice, or any two members, of a Court of Civil Appeals; providing for the compensation of such Commissioner; and providing for an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

## FIFTEENTH DAY

(Monday, October 26, 1936.)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll of the House was called and the following Members were present:

Mr. Speaker Crossley Adamson Daniel Adkins Davis Aikin Davison of Fisher Alexander Davisson Alsup of Eastland Ash Dickison Atchison Dunagan Dunlap of Hays Bergman Bradbury Dunlap of Kleberg Duvall Bradford **Bridgers** Dwyer Broadfoot England Burton Fain Butler of Brazos Farmer Butler of Karnes Fisher Cagle Ford Fox Caldwell Frazer Calvert **Fuchs** Canon Celaya Gibson Collins Glass Good Colson Cooper Graves Cowley Grav

Greathouse

Craddock

Hankamer Morris Hanna Morrison Hardin Morse Harper Newton Harris of Archer Nicholson Harris of Dallas Olsen Hartzog Patterson Head Payne Herzik Petsch Hill Pope Hodges Quinn Hofheinz Reader Reed of Bowie Holland Hoskins Reed of Dallas Howard Riddle Huddleston Roach of Angelina Roach of Hunt Hunt Hunter Roark Jackson Roberts James Rogers Jefferson Russell Jones of Atascosa Rutta Jones of Falls Scarborough Jones of Shelby Sessions Jones of Wise Settle Keefe Smith King Spears Knetsch Stanfield Lange Steward Lanning Stinson Latham Stovall Tarwater Leath Lemens Tennyson Thornton Leonard Lindsey Tillery Lotief Venable Waggoner Lucas Walker Luker Wells Mauritz McCalla Westfall McConnell Wood of Harrison McFarland Wood of Montague Worley McKee McKinney Young Moffett Youngblood Moore

## Absent-Excused

Bourne Padgett
Broyles Palmer
Colquitt Roane
Hyder Shofner

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered the following invocation:

"Lord, as we enter upon the closing days of this session may clear understanding open to us right paths, may courage strengthen us, and may conscience reveal Thy will in all our ways. In Christ's name. Amen."